IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

WP(C).No. 26910 of 2006(C)

PETITIONERS:
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1. DR.M.R.BIJU, LECTURER,
SECTION GRADE, POST GRADUATE & RESEARCH
DEPARTMENT OF POLITICAL SCIENCE,
S.N.COLLEGE, KOLLAM.

2. DR.S.PRATHAPAN, LECTURER,
SELECTION GRADE, POST GRADUATE & RESEARCH
DEPARTMENT OF HINDI, S.N.COLLEGE,
KOLLAM.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:
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1. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOLLAM.

2. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

3. STATE OF KERALA,
REP. BY ITS SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER (SMT. M.R. SREELATHA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO.26910 OF 2006 C

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER NO.AC.FIII/8962/2004 DATED 11.8.2004 ISSUED BY THE KERALA UNIVERSITY TO PETITIONERS 1 AND 2.

EXT.P2 TRUE COPY OF THE ORDER NO.F1/UGC/9815/05 DATED 13.2.2006 ISSUED BY 1ST RESPONDENT TO 1ST PETITIONER.

EXT.P3 TRUE COPY OF THE ORDER NO.F1/UGC/9818/05 DT. 7.2.2006 ISSUED BY 1ST RESPONDENT TO 2ND PETITIONER.

EXT.P4 TRUE COPY OF THE JUDGMENT DATED 25.8.2003 IN WP NO.23870/03 ON THE FILE OF THIS HONOURABLE COURT.

EXT.P5 TRUE COPY OF THE JUDGMENT DATED 30.6.2005 IN W.P.(C). NO.19589/2005 ON THE FILE OF THIS HONOURABLE COURT.

EXT.P6 TRUE COPY OF THE ORDER DATED 22.11.2005 ISSUED BY THE DDCE, KOLLAM TO ONE DR. PADMA RAO & ANOTHER.

EXT.P7 TRUE COPY OF THE JUDGMENT DATED 31.7.2006 IN W.A. NO.1044/2005 ON THE FILE OF THIS HONOURABLE COURT.

<u>RESPONDENTS' EXHIBITS:</u>

EXT.R1(A) TRUE COPY OF G.O.(MS) NO.148/06 H. EDN. DATED 13.11.2006.

EXT.R1(B) TRUE COPY OF G.O.(P) NO.44/01/H.EDN. DATED 29.3.2001.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 26910 OF 2006 C

Dated this the 31st January, 2007

JUDGMENT

The prayers in the Writ Petition are as follows:

> *"a. Call for the records leading upto Exts.P2 and P3 and quash the same by issuing a writ of certiorari, or any other appropriate writ, order or direction.*
>
> *b. Issue a writ of mandamus or any other appropriate writ, order or direction declaring that the petitioners are eligible for two advance increments on the basis of their placement to selection grade as provided under Cl. 6.18 of GO (P) No.171/99/H.Edn. Dated 21.12.1999.*
>
> *c. Issue a writ of mandamus or any other appropriate writ, order or direction directing the first respondent to sanction and disburse two advance increments to the petitioners with effect from 1.10.2003, the date on which they are placed as selection grade Lecturers."*

2. A Counter Affidavit has been filed by first respondent wherein it is stated as follows:

> "13. For the above stated facts, it is most respectfully submitted that the petitioners' claim for two advance increments will be admitted w.e.f. 01.10.2003. Hence it is submitted that the Writ Petition is devoid of any merit and liable to be

dismissed."

3. In the light of the stand taken in the Counter Affidavit, the Writ Petition will stand disposed of with a direction to grant two advance increments to the petitioners with effect from the dates as mentioned in paragraph 13 of the Counter Affidavit, within a period of one month from the date of receipt of a copy of this Judgment.

K. M. JOSEPH, JUDGE

kbk.